

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

East Maine Baptist Church, et al.,)
)
Plaintiffs,)
)
vs.) No. 4:05-CV-962 CAS
)
Regions Bank, et al.,)
)
Defendants.)
)

**VERIFIED AMENDED MOTION OF ADDITIONAL CLASS COUNSEL
FOR AWARD OF ATTORNEYS' FEES**

COME NOW Additional Class Counsel, and for their Motion respectfully state:

1. The undersigned were appointed Additional Class Counsel on January 14, 2008.
2. Per the Court's Order and Memorandum of October 12, 2008, the duties of

Additional Class Counsel were: (1) to evaluate the viability and advisability of an action against original class counsel for disgorgement of fees paid by the Liss Defendants in view of the conflict of interest of original class counsel as determined by the Missouri Supreme Court; and (2) to pursue judgment against the Liss Defendants.

3. On or about April 3, 2008, Additional Class Counsel filed their "Report to Court Regarding Research of Potential Theories for Obtaining Reimbursement of Attorney Fees from Former Class Counsel" and recommended against pursuing an action for disgorgement of those fees.

4. On or about February 8, 2008, Additional Class Counsel filed their Motion and Memorandum in Support seeking Clerk's Entry of Default Against the Liss Defendants, and the Clerk entered such default on February 11, 2008.

5. On or about February 11, 2008, Additional Class Counsel filed their Motion and Memorandum in Support of their Motion for Entry of Judgment for Damages against the Liss Defendants and their Contemporaneous Motion to Certify such judgment as final.

6. On or about March 13, 2008, the Court denied without prejudice the Motion of Additional Class Counsel for Entry of Judgment of Damages against the Liss Defendants and their Motion to Certify such judgment as final.

7. On or about April 10, 2008, the Court, *sua sponte* reconsidered its earlier rulings and granted the Motions of Additional Class Counsel to enter judgment against the Liss Defendants and to certify that such judgment is final.

8. Immediately after the Court's entry of judgment for damages against the Liss Defendants and its certification of the judgment as final, Additional Class Counsel began to take all necessary steps to discover and collect assets of the Liss Defendants. These steps included:

- (a) Working with local counsel and registering the Judgment in the Wisconsin U.S. District Court;
- (b) Awaiting the expiration of the fifteen day stay of execution imposed by the Wisconsin Uniform Enforcement of Foreign Judgments Act and the additional ten day notice period from the date of entry of the supplemental Court Commissioner's order requiring judgment debtors to appear before the supplemental Court Commissioner to answer questions regarding the debtors' assets;
- (c) Working with local counsel to obtain a date for the examination of the debtors to occur before the Court Commissioner.
- (d) Obtaining issuance of process to compel appearance of the Liss Defendants for examination.
- (e) Having an associate travel to Milwaukee for the examination under oath of Jerome Liss on August 13, 2008.
- (f) Engaging in numerous conferences and discussions with counsel for the Liss defendants, Maria Lazar.

9. Through August 25, 2008, the reasonable fees and advancements of Additional Class Counsel have been \$57,756.87, as evidenced by the attached Billing Memorandum (Exhibit A) showing work in progress and advancements, the recent local counsel invoice (Exhibit B), and court reporter's invoice (Exhibit C) relating to the debtor's examination in Milwaukee.

10. However, Additional Class Counsel recognizes that the Fund available for attorneys' fees and expenses is likely to be insufficient to compensate present Class Counsel for all of their invested time in prosecuting this matter. For that reason, Additional Class Counsel propose to accept approximately a fifteen percent (15%) discount on its invested time and advancements and only seeks total reimbursement in the amount of \$49,500, which includes payment for all attorney time and all advancements, including the cost of local counsel and court reporter in Milwaukee.

WHEREFORE, Additional Class Counsel pray for an order of the Court awarding them \$49,500.00 for their work in this case.

BY: /s/ Paul E. Kovacs
Paul E. Kovacs #9572
Jay A. Summerville #4502
Additional Attorneys for Plaintiff Class
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070
(314) 612-2292 (facsimile)
pkovacs@armstrongteasdale.com
jsummerville@armstrongteasdale.com

VERIFICATION

The undersigned attorney, one of the Additional Class Counsel for plaintiffs, declares and verifies, under penalty of perjury, that the facts contained in the above and foregoing Motion are true and correct based upon his personal knowledge.

/s/ Paul E. Kovacs

CERTIFICATE OF SERVICE

I hereby certify that on 26th day of August, 2008, a copy of the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record in this case.

/s/ Paul E. Kovacs